IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.441 OF 2006

Shree Rajasthan Co-op. Hsg.
Society Limited ... Petitioner

versus

The Deputy Registrar, K/E
Ward and another ... Respondents

Mr.N.N.Badrashete for petitioner.

Ms.Vaidehi Mhaisapurkar, AGP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th February 2006

PC :

1. Heard Shri Bhadrashete appearing for the petitioner and Ms.Mhaisapurkar for respondents.

2. I have perused with their assistance the communication at page 49, Exhibit-C dated 8th May 2001. The petitioner has received it on 9th June 2001 and the order of the Deputy Registrar is passed on 21st May 2001. The petitioner was not present when the order was passed. The petitioner thereafter approached the Divisional

Joint Registrar, Co-operative Societies, Mumbai and he has confirmed the order passed by the Deputy Registrar on the ground that the petitioner did not comply with the requisitions contained in the letter dated 8th May 2001.

3. In my view, the Divisional Joint Registrar should have appreciated that the petitioner society did not get any opportunity of hearing and/or satisfying the Deputy Registrar that the queries have been answered. The order was passed in the absence of the petitioner and without adverting to any of the materials produced by them. The communication, about the date of hearing and the queries, was admittedly received after the order was passed.

4. In these circumstances, the orders under challenge are set aside. The request of the petitioner for incorporating an amendment to the bye-laws shall be re-examined by the Deputy Registrar, Co-operative Societies in accordance with law. Petitioner to appear before him on 13th February 2005.

(S.C.DHARMADHIKARI, J.)